# UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE

CASE NO. 09-06548-ESL

EILEEN MONSERRATE ROSA SAMUEL VALENTIN VEGA

**CHAPTER: 13** 

**DEBTOR(S)** 

#### **MOTION REQUESTING DISMISSAL**

#### TO THE HONORABLE COURT:

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Movant herein, through its undersigned counsel, and very respectfully to the Honorable Court, alleges and prays as follows:

- 1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle MAZDA 3 2004 registered under number 2985622, executed by debtor(s) on FEBRUARY 13, 2004.
- 2. Debtor(s) filed the instant bankruptcy petition under Chapter 13 on AUGUST 10, 2009.
- 3. Debtor(s)' Plan was confirmed on APRIL 29, 2010. Said Plan proposes to pay prepetition arrears through Chapter 13 Trustee and debtor(s) will maintain regular payment directly to Movant.
- 4. However, debtor(s) has/have breached the aforementioned Plan's proposals. As of today's date debtor(s) show(s) **THREE(3) post-petition arrears on monthly installments** corresponding to the months of December, 2010 through February, 2010 for a total amount of post-petition installments due of \$985.95.
- 5. Section 1307 (c)(6) of the Bankruptcy Code (11 USC §1307 (c)(6)) provides for the dismissal of a case under Chapter 13 for "material default by the debtor with respect to a term of a Confirmed Plan."

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6. The situation above explained is effectively causing undue prejudice to Movant's

rights as a holder of a secured claim.

7. Therefore, according to 11 USC §1307(c)(1) debtor's(s') unreasonable delay which is

prejudicial to creditor, is sufficient also cause to warrant the dismissal of debtors' bankruptcy

petition.

WHEREFORE, it is respectfully requested from the Honorable Court to order the

dismissal of the instant bankruptcy petition according to the aforementioned bankruptcy

disposition.

**NOTICE TO ALL PARTIES** is herein given to the effect that if no opposition is filed

within thirty (30) from this notice the Court may enter an Order dismissing the case without

further hearing.

CERTIFICATE OF SERVICE

I hereby certify that the present motion was filed electronically with the Clerk of the

Court using CM/ECF systems which will send notifications of such to the JOSE R.

**CARRION**, Trustee and **JUAN O. CALDERON LITHGOW**, Debtor(s) Attorney and that we

have sent copy of this document through regular mail to Debtor(s) **EILEEN MONSERRATE** 

ROSA, SAMUEL VALENTIN VEGA L-15 CALLE 12 URB VEGA BAJA LAKES

VEGA BAJA, PR 00693 and to all non CM/ECF participants interested as per mailing list

which is hereby included.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 29 day JULY, 2010.

/S/ CARLOS E. PEREZ PASTRANA

USDC-208913

Attorney for Movant

PO BOX 21382

SAN JUAN, PR 00928-1382

TEL. 787-625-6645 FAX: 787-625-4891

cperezp@reliablefinancial.com

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Label Matrix for local noticing 0104-3
Case 09-06548-ESL13
District of Puerto Rico
Old San Juan
Thu Feb 11 10:37:51 AST 2010
RELIABLE FINANCIAL SERVICES
RELIABLE FINANCIAL SERVICES
PO BOX 21382
PO BOX 21382

CITIBANK PO BOX 71433 SAN JUAN, PR 00936

SAN JUAN, PR 00928-1382

CRIM LEGAL COUNSEL OFFICES PO BOX 195387 SAN JUAN PR 00919-5387

Department of Treasury
Bankruptcy Section (424-B)
PO Box 9024140
San Juan, PR 00902-4140

GE Consumer Finance For GE Money Bank dba CAR CARE ONE/GEMB PO Box 960061 Orlando FL 32896-0061

HOME DEPOT
PROCESSING CENTER
PO BOX 9101
DES MOINES, IA 50368-9101

MUEBLERIAS BERRIOS APTDO 674 CIDRA, PR 00739-0674

RSHK/CSBSD Attn.: Centralized Bankruptcy PO BOX 20507 KANSAS CITY, MO 64195-0507

SANTANDER FINANCIAL SERVICES D/B/A ISLAND FI C/O LIGIA RIVERA BUJOSA PO BOX 7821 PONCE PR 00732-7821 COOP A/C MANATI ANTONIO I HERNANDEZ SANTIAGO ESQ PO BOX 8509 SAN JUAN, PR 00910-0509

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
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CITIBANK USA
Attn.: Centralized Bankruptcy
PO BOX 20507
KANSAS CITY, MO 64195-0507

DORAL BANK PO BOX 70308 SAN JUAN,PR 00936-8308

FIA Card Services NA aka Bank of America by PRA Receivables Management, LLC PO Box 12907 Norfolk VA 23541-0907

GEMB / HH GREGG Attention: Bankruptcy PO BOX 103106 ROSWELL, GA 30076-9106

ISLAND FINANCE, INC. PO BOX 195369 SAN JUAN, PR 00919-5369

Portfolio Recovery Associates LLC PO Box 41067 Norfolk, VA 23541-1067

Recovery Management Systems Corporation For GE Money Bank dba SAM'S CLUB 25 SE 2nd Ave Ste 1120 Miami FL 33131-1605

SCA/ADV AUTO 1000 MACARTHUR BLDV MAHWAH, NJ 07430-2035 DORAL BANK
NAYELI DIAZ FEBLES ESQ
PO BOX 70308
SAN JUAN, PR 00936-8308

BANK OF AMERICA Attn: Bankruptcy NC4-105-02-77 PO BOX 26012 GREENSBORO, NC 27420-6012

COOP A/A MANATI PO BOX 30562 MANATI, PR 00674-8516

DORAL FINANCIAL CORP PO BOX 13988 SAN JUAN, PR 00908

FIRSTBANK PO BOX 13817 SAN JUAN, PR 00908-3800

GEMB/WALMART
PO BOX 981400
EL PASO, TX 79998-1400

LCDO. GILBERTO FIGUEROA PO BOX 1321 MAYAGUEZ, PR 00681-1321

RELIABLE FINANCIAL SERVICES PO BOX 21382 SAN JUAN, PR 00928-1382

SAMS CLUB Attention: Bankruptcy Department PO BOX 103104 ROSWELL, GA 30076-9104

SEARS/CBSD 133200 SMITH RD CLEVELAND, OH 44130 TD Retail Card Services c/o Creditors Bankruptcy Service P O Box 740933 Dallas, TX 75374-0933 WESTERN AUTO
PO BOX 51984
TOA BAJA, PR 00950

EILEEN MONSERRATE ROSA L 15 CALLE 12 URB VEGA BAJA LAKES VEGA BAJA, PR 00693-3830

JOSE RAMON CARRION MORALES PO BOX 9023884 SAN JUAN, PR 00902-3884 JUAN O CALDERON LITHGOW
JUAN O CALDERON LITHGOW LEGAL OFFIC
PO BOX 1710
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## UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE:	CASE NO 09-06548-ESL
EILEEN MONSERRATE ROSA SAMUEL VALENTIN VEGA	CHAPTER 13
DEBTOR(S)	

## MOTION SUBMITTING DECLARATION UNDER PENALTY OF PERJURY

Comes now, RELIABLE FINANCIAL SERVICES, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **HILDARIS B. BURGOS MURIEL,** Bankruptcy Official for RELIABLE FINANCIAL SERVICES, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

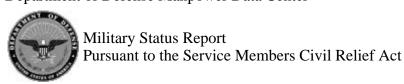
#### RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28 day of JULY, 2010.

S/HILDARIS B. BURGOS MURIEL Bankruptcy Official

P. O. Box 21382 San Juan, PR 00928-1382 Tel. (787)625-6647 FAX:(787)625-4891 hburgosm@reliablefinancial.com Department of Defense Manpower Data Center

Jul-28-2010 12:15:00



≺ Last Name	First/Middle	Begin Date	Active Duty Status	<b>Active Duty End Date</b>	Service Agency	
VALENTIN		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.				

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary Mr. Snavely-Dixon

Mary M. Snavely-Dixon, Director Department of Defense - Manpower Data Center 1600 Wilson Blvd., Suite 400 Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <a href="http://www.defenselink.mil/faq/pis/PC09SLDR.html">http://www.defenselink.mil/faq/pis/PC09SLDR.html</a>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

#### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

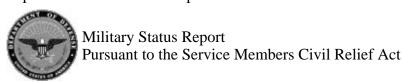
Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided. Report ID:8E4256L1NI

Department of Defense Manpower Data Center

Jul-28-2010 12:17:10



<b>≺</b> Last Name	First/Middle	Begin Date	<b>Active Duty Status</b>	<b>Active Duty End Date</b>	Service Agency	
MONSERRATE		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.				

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